

# MEMORANDUM

Agenda Item No.13(A)(7)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 2, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution authorizing certain settlement in the amount of \$78,000.00 in County eminent domain proceedings by County Attorney in connection with the Acquisition of land for the right-of-way needed for improvements to S.W. 157<sup>th</sup> Avenue from S.W. 152<sup>nd</sup> Street to S.W. 184<sup>th</sup> Street

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The accompanying resolution was placed on the agenda by the County Attorney's Office.



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R. A. Cuevas, Jr.  
County Attorney

RAC/lmp

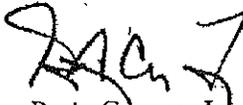


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 2, 2012

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.13(A) (7)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 13(A) (7)

10-2-12

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$78,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 157TH AVENUE FROM SW 152ND STREET TO SW 184TH STREET AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

**WHEREAS**, this Board by Resolution No. R-526-09 dated May 5, 2009 previously declared the acquisition of land for the right-of-way needed for the expansion, beautification, and right-of-way improvements to SW 157<sup>th</sup> Avenue from SW 152<sup>nd</sup> Street to SW 184<sup>th</sup> Street in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

**WHEREAS**, the owner of Parcel 3, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein; and

**WHEREAS**, this project is being funded by the use of Charter County Transportation Surtax Funds, and this settlement thus must be submitted for the review and recommendation of the Citizens Independent Transportation Trust; and

**WHEREAS**, the County Attorney hereby recommends the settlement amounts as set forth in the attached land acquisition summary sheet,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 3 on the terms and in the amount specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                     |                      |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman           |                      |
| Audrey M. Edmonson, Vice Chairwoman |                      |
| Bruno A. Barreiro                   | Lynda Bell           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |

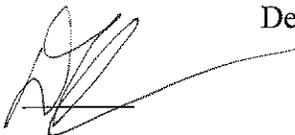
The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Debra Herman

**LAND ACQUISITION SUMMARY SHEET**

**PROJECT LOCATION:** Roadway expansion, beautification, and right-of-way improvements to SW 157<sup>th</sup> Avenue from SW 152<sup>nd</sup> Street to SW 184<sup>th</sup> Street in Miami-Dade County, Florida

**PARCEL NUMBER AND PROPERTY ACQUIRED:** Parcel No. 3  
(land plus improvements – See attached sketch)

**OWNERSHIP INTEREST:** Fortu  
ne Land Investments, LLC, a foreign limited liability company

**COUNTY'S APPRAISAL AND DAMAGES:** \$67,000.00 (fee simple land and improvements, including updated cost to cure)  
Ed Parker, MAI

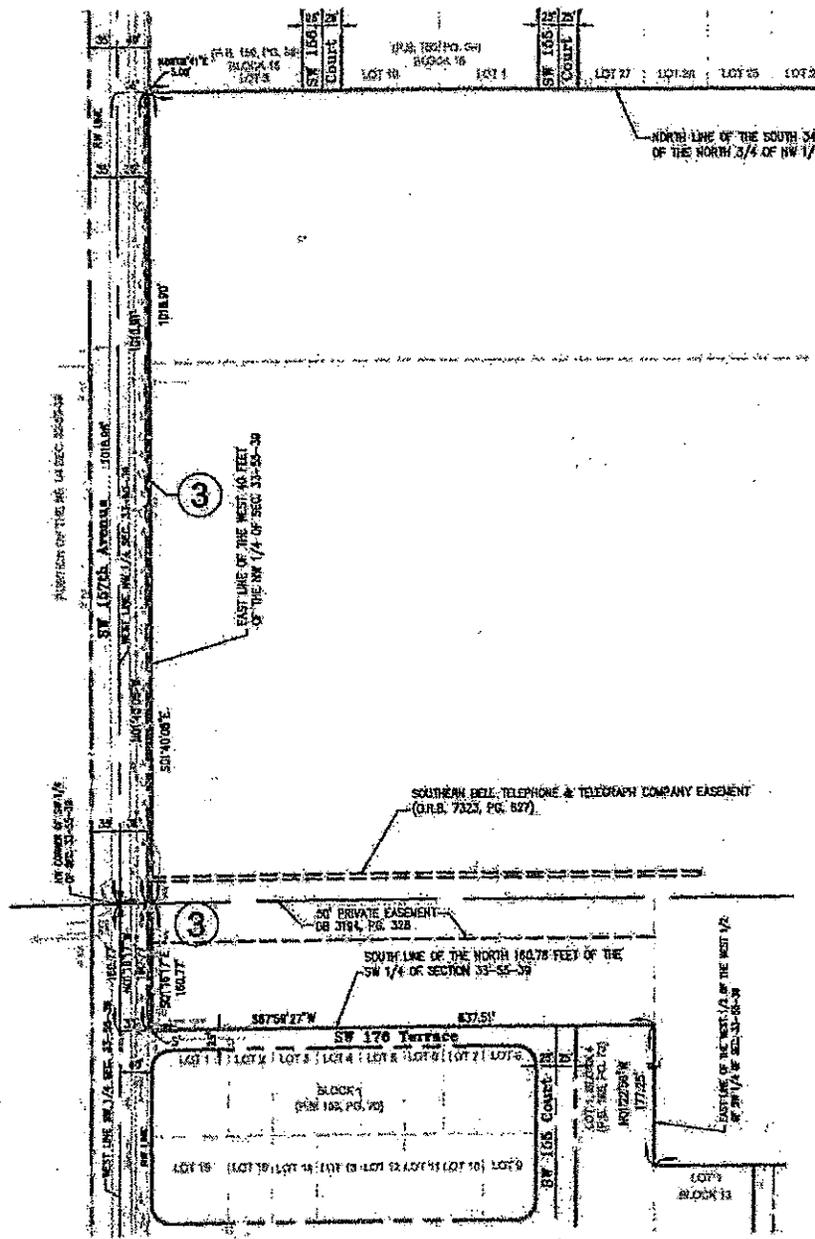
**OWNER'S APPRAISAL AND DAMAGES:** 72,000.00  
John Donaldson (improvements)

**ATTORNEYS' FEES AND COSTS** See Comments

**SETTLEMENT AMOUNT:** The total settlement amount is \$78,000.00.  
(See Comments below – this amount also includes the owner's attorneys' fees and expert fees for Parcel 3).

**EXPOSURE TO COUNTY:** \$5,000.00  
(Difference between owner's appraisal and County's appraisal)

**COMMENTS:** A proposed settlement was reached in the amount stated above. In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The settlement amount of \$78,000.00 represents full compensation for this parcel, and includes \$68,800.00 for the property acquired, \$6,000.00 for the owner's statutory attorneys' fees and \$3,200.00 for the owner's expert fees. Staff has confirmed that this project is listed in Exhibit 1 of the PTP Ordinance under Major Roadway and Neighborhood Improvement Projects. The landowner is represented by the law firm of Francisco Pines, P.A.



Area of Parcel = 5,898 square-feet = 0.135 acres  
 Area of Parent Tract = 3,497,318 square-feet = 80.287 acres  
 Ref. Fieldbook No.  
 Sec. 33-55-39  
 Folio No: 90-5933-000-0041, 0030, 0025, & 0055

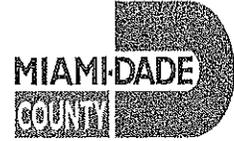
# PARCEL SKETCH



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Memorandum



**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Charles Scurr, Executive Director *CS*

**Date:** September 19, 2012

**Re: CITT AGENDA ITEM 7A:**  
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF \$78,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 3 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 157TH AVENUE FROM SW 152ND STREET TO SW 184TH STREET AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO)

On September 19, 2012, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-083. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye  
Paul J. Schwiep, Esq., 1st Vice Chairperson – Absent  
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Aye  
Glenn J. Downing, CFP® – Aye  
Alfred J. Holzman – Absent  
Miles E. Moss, P.E. – Aye  
Marilyn Smith – Aye

Joseph Curbelo – Aye  
Peter L. Forrest – Aye  
Prakash Kumar – Aye  
Hon. James A. Reeder – Aye

cc: Alina Hudak, Deputy Mayor/County Manager  
Bruce Libhaber, Assistant County Attorney  
Alexander Bokor, Assistant County Attorney

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